IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 11716 of 2004

Between:

K.Maddileti, s/o Sayanna,
r/o Wademan Village, Bijnepally Mandal, Mahabubnagar District.

..... PETITIONER

AND

1 The Regional Transport Authority (RTA), Mahabubnagar, Mahabubnagar District.
2 The Motor Vehicle Inspector (MVI), Enforcement, Mahabubnagar, Mahabubnagar District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, of mandamus directing the respondents to release the petitioner's Tractor vehicle with Trailer with Registration No.AP.22T.9977 and AP 22.T.9978, by holding the action of the respondents in not releasing the petitioner's vehicle inspite of his application dt.4-7-2004 as illegal, arbitrary, discriminatory and opposed to law laid down by the "Division Bench of this Hon'ble Court".

Counsel for the Petitioner:MR.CH.JAGANNADHA RAO, Advocate.

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court at the stage of admission, made the following :

ORDER : (Per Sri Bilal Nazki, J)

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The petitioner's vehicle has been seized when the Motor Vehicles Inspector found on check that no tax had been paid, vehicle was being run without permit. Fitness Certificate, I/C and D/L were also not furnished. The petitioner contends that he had paid the tax and he had also the permit and other documents, but the vehicle was seized at a welding shop, where it had been sent for repairs. These are the matters which will have to be considered during the enquiry by the respondents, which is yet to start.

In these circumstances, we dispose of the Writ Petition, directing the release of vehicle on payment of tax due. Rest of the matters may be decided by the respondents in the enquiry. Any observations made in this order shall not be taken as expression of our opinion, by the respondents who conducts the enquiry. No costs.

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(Bilal Nazki, J)

12th July, 2004.

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(P.S.Narayana, J)

N.B:-

C.C. in two days.

(B/o)

ajr.

To

1 The Regional Transport Authority (RTA), Mahabubnagar, Mahabubnagar District.
2 The Motor Vehicle Inspector (MVI), Enforcement, Mahabubnagar, Mahabubnagar District.

3 Two C.Cs. to the Government Pleader for Transport, High Court buildings, Hyderabad (O.U.T).

4 Two C.D. Copies.